

Clerk, U.S. District Court  
Southern District of Texas  
FILED

SEP 19 2014

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

**Aaron Guerra****CRIMINAL COMPLAINT**Case Number: **C - 14 - 1000 M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 89/18/2014 in Nueces County, in the  
(Date)

Southern District of Texas defendant, **Aaron Guerra**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.  
I further state that I am a(n) Special Agent and that this complaint is based on the  
following facts: Official Title

See Attached Affidavit of ICE Special Agent

**Edwin Lopez**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

**Edwin Lopez**

Printed Name of Complainant

Sworn to before me and signed in my presence,

September 19, 2014

Date

at

Corpus Christi, Texas

City and State

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

## **AFFIDAVIT**

On September 18, 2014, at about 12:30 p.m., United States Park Ranger Matt Rosselot performed a traffic stop on a black Toyota Tundra, bearing Texas plates BPV-5701, for a traffic violation, speeding. The traffic stop was conducted on the Padre Island National Seashore near mile marker 9, while the vehicle was traveling northbound. The vehicle contained a total of five occupants to include the driver. The driver provided a Texas Driver's License and was identified as Aaron GUERRA, a United States Citizen. The passengers of the vehicle were unable to provide any form of United States identification or communicate effectively in the English language. Suspecting that alien smuggling was occurring, Ranger Rosselot contacted the Corpus Christi Border Patrol station for assistance.

At the scene, Border Patrol Agents (BPAs) Edward Hernandez and Manuel Elizondo questioned all of the suspected smuggled aliens as to their citizenship and immigration status. The passengers admitted to being citizens of Mexico and Honduras without permission to be or remain in the United States legally. BPAs Hernandez and Elizondo determined it was in fact an alien smuggling case, placed the subjects under arrest, verbally advised the subjects of their Miranda Rights, and transported the subjects back to the Corpus Christi Border Patrol station. The smuggled aliens were identified as Rogelio VASQUEZ-Zarate of Mexico, Liliana GOVEA-Morelos of Mexico, Cecilia MIRANDA-Rodriguez of Mexico, and Santos Evelio GUERRA of Honduras. At the scene, Aaron GUERRA, requested a lawyer to be present and no further questions were asked about his involvement in alien smuggling. Task Force Officer (TFO) Matthew Brem arrived to the Corpus Christi Border Patrol Station to interview the smuggled aliens.

Upon arriving to the Corpus Christi Border Patrol Station, BPA Javier Alfaro again advised GUERRA of his rights as per service form I-214. GUERRA signed that he understood his rights. This was witnessed by TFO Matthew Brem. BPA Javier Alfaro advised smuggled aliens Rogelio VASQUEZ-Zarate and Santos Evelio GUERRA of their rights as per service form I-214. This was witnessed by BPA Joseph Lawler. All of the smuggled aliens signed that they understood their rights and that they were willing to make a statement.

Rogelio VASQUEZ-Zarate, a material witness, stated he illegally entered into the United States near Roma, Texas by crossing the Rio Grande River on or about September 9, 2014. After crossing the river, VASQUEZ stated he was taken to a house he believed to be in McAllen, Texas. After spending four days in the house, VASQUEZ stated he was picked up and taken to a second house, in an unknown location. After spending the night in the second house, VASQUEZ stated that he and the three other smuggled aliens were transported to a small white center console boat. VASQUEZ explained that the boat had two additional passengers, the captain and his assistant. VASQUEZ stated that there were a total of six people on the boat when they, the group of smuggled aliens, left. VASQUEZ stated that after a thirty minute boat ride, the captain

landed the boat on the side of the beach and the captain's assistant instructed all of the subjects except for the captain to get out of the boat. VASQUEZ related that the captain's assistant guided them on a short walk until they could see a black truck. VASQUEZ further explained that the captain's assistant instructed him (VASQUEZ) and the three others to get into the truck because that was their ride. VASQUEZ stated he and the others got into the black truck and the only thing the driver, Aaron GUERRA, told them was that if they were stopped to say that they asked for a ride. VASQUEZ stated that he already paid \$2,000 to be smuggled into the United States and that he was going to pay an additional \$1,500 when he arrived to Houston, Texas.

Santos Evelio GUERRA, a material witness, provided a similar story as to his illegal entry and journey into the United States. GUERRA added that he and the others were provided the clothing that they were wearing before leaving the house in order to fit in at the beach. GUERRA stated that he already paid \$3,000 to be smuggled into the United States that the he was going to pay an additional \$4,000 when he arrived to Houston, Texas. No exculpatory statements were provided by any of the smuggled aliens involved and two subjects, VASQUEZ and GUERRA, are being held as material witnesses. BPA Alfaro confirmed the material witnesses' statements. The other smuggled aliens remained in Border Patrol Custody and were setup for removal proceedings.

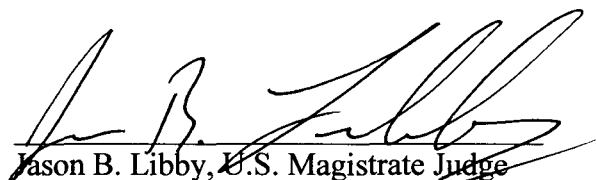
Records checks revealed Aaron GUERRA has a pending murder charge with the Elsa Police Department.

AUSA Hugo Martinez was notified of these facts and agreed to prosecute Aaron GUERRA for violation of Title 8 USC 1324.



Edwin Lopez  
Border Patrol Agent  
U.S. Border Patrol

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS 19th Day  
of September, 2014



Jason B. Libby, U.S. Magistrate Judge